

SENATE BILL REPORT

SB 5266

As Reported by Senate Committee On:
Human Services & Corrections, February 20, 2009

Title: An act relating to housing services and assistance in dependency and termination matters.

Brief Description: Regarding housing services and assistance in dependency and termination matters.

Sponsors: Senators Hargrove, Stevens, Regala, Kauffman and Brandland.

Brief History:

Committee Activity: Human Services & Corrections: 2/06/09, 2/20/09 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5266 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Kauffman and McAuliffe.

Staff: Jennifer Strus (786-7316)

Background: The Department of Social and Health Services (DSHS) is required to include in its social study report what preventive services were offered or provided to the family and have failed to prevent the need for out-of-home placement. Housing services, which are considered preventive services, may include referrals to federal, state, local, or private agencies or organizations, assistance with forms and applications, or financial subsidies for housing.

The court's ability to order housing assistance under chapter 13.34 RCW is limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement and subject to the availability of funds appropriated specifically for this purpose.

Summary of Bill (Recommended Substitute): At the shelter care hearing on a dependency petition, the court must inquire into what services, including housing services or assistance, were provided to the family to prevent or eliminate the need for removal of the child. At the

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dispositional hearing, the court is to choose services, including housing services and assistance, that least interfere with family autonomy and are adequate to protect the child.

Housing services or assistance is defined to mean at least effective referrals to federal, state, local, or private agencies or organizations, assistance with forms, or any financial subsidies or other monetary assistance for housing.

"Homelessness or lack of adequate and safe housing" constitutes the primary reason for out-of-home placement when the provision of housing services or assistance would likely prevent the need for out-of-home placement or shorten the length of stay in out-of-home care.

The section dealing with the court's ability to order housing services or assistance cannot be construed to create an entitlement to housing services or assistance nor to create judicial authority to order that services or assistance be provided if the services or funding for those services or assistance is unavailable or the child or family is ineligible.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute): Clarifies that the court's authority to order housing services or assistance does not create an entitlement nor does the court have the authority to order services or assistance if the services or funding is unavailable or the child or family are ineligible.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: One hundred and thirty-five families had children in out-of-home care due to lack of adequate housing in Tacoma in 2008. Five to 10 percent of placements could be prevented and reunification rates increased if housing were more fully addressed, and this bill is a step in that direction. Although the Legislature responded to the Supreme Court case on homelessness in 1999, the problem persists. Housing is a very important issue for families. People who have had their children removed because of substance abuse issues have a hard time being reunified with their children because they cannot find housing. And often there is no person or agency to help them. Children should not be removed from their parents just because of lack of housing. Housing as a barrier to reunification needs to be addressed and this bill addresses that problem.

OTHER: A growing body of research indicates that homelessness and housing stability are strongly associated with child safety and the likelihood of families' involvement with child welfare services. Research in Milwaukee, Wisconsin, shows that housing problems are all too common among families involved in child welfare services. By encouraging child welfare practitioners and courts to better attend to family housing problems and provide housing assistance when appropriate, this legislation has the potential to reduce safety risks

and improve the likelihood of family reunification. The department has provided language to make it clear that the bill does not create an entitlement to housing services or assistance nor create judicial authority to order such services or assistance if the services funding is unavailable.

Persons Testifying: PRO: Michael Mirra, Tacoma Housing Authority; Amy Murray, Dependency 101 Coordinator; Laurie Lippold, Children's Home Society; Seth Dawson, Washington State Coalition for the Homeless; Brenda Lopez, citizen; Mark Collins, Office of Public Defense.

OTHER: Ken Nichols, Children's Administration; Mark Courtney, Partners for our Children.